



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> Street, S.W.**  
**Washington, D.C. 20554**

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**DA 07-4434**  
**Released: October 26, 2007**

**COMMENTS INVITED ON APPLICATION OF TIME WARNER CABLE  
INFORMATION SERVICES (TEXAS), L.P. D/B/A TIME WARNER CABLE TO  
DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES**

**WC Docket No. 07-238**  
**Comp. Pol. File No. 839**

**Comments Due: November 13, 2007**

**Section 214 Application**

**Applicant: Time Warner Cable Information Services (Texas), L.P. d/b/a Time Warner Cable**

On July 12, 2007, Time Warner Cable Information Services (Texas), L.P. d/b/a Time Warner Cable (Time Warner Cable or Applicant), located at **290 Harbor Drive, Stamford, CT 06902**, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of certain domestic telecommunications services in Texas.<sup>1</sup> By an amendment filed on October 23, 2007, Time Warner Cable updated the record regarding the planned discontinuance.<sup>2</sup>

Time Warner Cable indicates that it has provided circuit-switched local exchange and toll services to residential customers in Texas. Time Warner Cable states that it planned to discontinue these services to approximately 12,240 customers in the Texas communities of Addison, Double Oak, Farmers Branch, Grand Prairie, Lancaster, Lewisville, Murphy, Rockwall, Sunnyvale, Bedford, Colleyville, Desoto, Mesquite, Parker, Plano, and Rowlett (collectively, the Texas Communities) on or after September 12, 2007. Time Warner Cable represents that it provided notice to all affected customers in accordance with section 63.71 of the Commission's rules by sending letters via U.S. Mail on July 9, 2007. Time Warner Cable indicates that it intended to offer alternative packet-switched services to the affected customers, and that there are other local service providers offering service in the affected areas. Time Warner Cable further asserts that it is non-dominant with respect to the services it seeks authority to discontinue. Time Warner Cable notes that, although not required to do so, it mailed three additional

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<sup>1</sup> This application was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on October 2, 2007.

<sup>2</sup> See Letter from Matthew A. Brill, Latham & Watkins, LLP, Counsel for Time Warner Cable, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 07-238 (filed Oct. 23, 2007) (Time Warner Amendment).

notices containing the statement from section 63.71(a)(5)(i) of the Commission's rules to any customer who had yet to respond or to obtain service from the incumbent LEC or another carrier, and that it also placed calls to such subscribers. Time Warner, however, submits that it inadvertently discontinued service to certain customers on and after September 12, 2007 without receiving prior Commission authorization. Time Warner indicates that it has also filed a request for special temporary authority in conjunction with the amendment to its application requesting authority to discontinue service.<sup>3</sup>

In accordance with section 63.71(c) of the Commission's rules, Time Warner Cable's application will be deemed to be granted automatically on the thirty-first (31st) day after the release date of this public notice, unless the Commission notifies Time Warner Cable that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, Time Warner Cable's application to discontinue service to affected customers in the Texas Communities will be deemed to be granted automatically on **November 26, 2007**. The Commission normally will authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **November 13, 2007**. Such comments should refer to **WC Docket No. 07-238** and **Comp. Pol. File No. 839**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East

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<sup>3</sup> See Letter from Matthew A. Brill, Latham & Watkins, LLP, Counsel for Time Warner Cable, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 07-238 (filed Oct. 23, 2007) (Time Warner STA Request).

Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C327, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM). People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), [carmell.weathers@fcc.gov](mailto:carmell.weathers@fcc.gov), or Rodney McDonald, (202) 418-7513 (voice), [rodney.mcdonald@fcc.gov](mailto:rodney.mcdonald@fcc.gov), of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding section 214 please visit [http://www.fcc.gov/wcb/cpd/other\\_adjud](http://www.fcc.gov/wcb/cpd/other_adjud).

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